

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

12 January 1999 (12.01.99)

International application No.

PCT/US98/08677

Applicant's or agent's file reference

463.4PC

International filing date (day/month/year)

29 April 1998 (29.04.98)

Priority date (day/month/year)

29 April 1997 (29.04.97)

Applicant

JOYCE, Gerald, F. et al

1. The designated Office is hereby notified of its election made:

☒

in the demand filed with the International Preliminary Examining Authority on:

30 November 1998 (30.11.98)

☐

in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Nicola Wolff

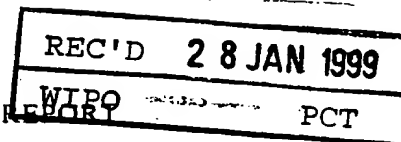
Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



| | | |
|--|---|--|
| Applicant's or agent's file reference 463.4PC | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US98/08677 | International filing date (day/month/year) 29 APRIL 1998 | Priority date (day/month/year) 29 APRIL 1997 |
| International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet. | | |
| Applicant THE SCRIPPS RESEARCH INSTITUTE | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 29 NOVEMBER 1998 | Date of completion of this report 31 DECEMBER 1998 |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230 | Authorized officer ANDREW WANG Telephone No. (703) 308-0196 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/08677

I. Basis of the report

1. This report has been drawn on the basis of (*Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments*):

☒ the international application as originally filed.

☒ the description, pages 1-140 , as originally filed.

pages NONE , filed with the demand.

pages NONE , filed with the letter of _____.

pages _____ , filed with the letter of _____.

☒ the claims, Nos. 1-46 , as originally filed.

Nos. NONE , as amended under Article 19.

Nos. NONE , filed with the demand.

Nos. NONE , filed with the letter of _____.

Nos. _____ , filed with the letter of _____.

☒ the drawings, sheets/fig 1-13 , as originally filed.

sheets/fig NONE , filed with the demand.

sheets/fig NONE , filed with the letter of _____.

sheets/fig _____ , filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages none .

☒ the claims, Nos. none .

☒ the drawings, sheets/fig none .

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

none

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US98/08677

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-46</u> | YES |
| | Claims <u>none</u> | NO |
| Inventive Step (IS) | Claims <u>1-46</u> | YES |
| | Claims <u>none</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-46</u> | YES |
| | Claims <u>none</u> | NO |

2. CITATIONS AND EXPLANATIONS

Claims 1-46 meet the criteria set out in PCT Article 33(2)-(4), because although the prior art does suggest catalytic RNA and hybrid RNA/DNA molecules, the prior art does not teach or fairly suggest a catalytic nucleic acid molecule comprised solely of DNA.

----- NEW CITATIONS -----
none

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): C12Q 1/68; C12N 9/22; C07H 21/04 and US Cl.: 435/6, 91.31, 172.1; 536/23.1, 23.2, 24.5